

# PATENT COOPERATION TREATY

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## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

|                                     |                               |
|-------------------------------------|-------------------------------|
| Date of mailing<br>(day/month/year) | 1 September 2004 (01.09.2004) |
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|--|---|
| Applicant's or agent's file reference<br>F17754 PP | FOR FURTHER ACTION<br>See paragraph 2 below |
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|---|--|---|
| International application No.<br>PCT/IB 2004/000191 | International filing date (day/month/year)<br>28 January 2004 (28.01.2004) | Priority Date (day/month/year)<br>31 July 2003 (31.07.2003) |
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| International Patent Classification (IPC) or both national classification and IPC<br>A63B 57/00 |
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| Applicant<br><br>BEYERS JAN GEORG SOLMS |
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1. This opinion contains indications relating to the following items:

- ☒ Cont. No. I Basis of the opinion
- ☐ Cont. No. II Priority
- ☐ Cont. No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Cont. No. IV Lack of unity of invention
- ☒ Cont. No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Cont. No. VI Certain documents cited
- ☐ Cont. No. VII Certain defects in the international application
- ☐ Cont. No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|   |                                     |
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| Name and mailing address of the ISA/ AT<br><b>Austrian Patent Office</b><br>Dresdner Straße 87, A-1200 Vienna | Authorized officer<br><br>BRÄUER C. |
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WRITTEN OPINION OF THE  
 INTERNATIONAL SEARCHING AUTHORITY

International application No.  
 PCT/IB 2004/000191

Continuation No. I

Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed.

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Continuation No. V

**Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

|                               |               |     |
|-------------------------------|---------------|-----|
| Novelty (N)                   | Claims 1 - 15 | YES |
|                               | Claims ----   | NO  |
| Inventive step (IS)           | Claims 1 - 15 | YES |
|                               | Claims ----   | NO  |
| Industrial applicability (IA) | Claims 1 - 15 | YES |
|                               | Claims ----   | NO  |

2. Citations and explanations:

US 4925190 A shows a method of repairing a pitch mark on a golf green, including "inserting an elongate tine into the turf surrounding the depressed pitch mark, at a position spaced slightly outwardly from a periphery of the depressed pitch mark so as to leave a region of healthy grass between the tine and the depressed pitch mark; and urging the turf with a healthy grass layer thereon, laterally inwardly into the depressed pitch mark by levering the tine towards the inside of the depressed pitch mark about a fulcrum, defined at the lower end of the tine, thereby to fill the pitch mark with said turf having a healthy grass layer thereon". The method also includes "repeatedly inserting and levering the tine towards the inside of the depressed pitch mark from a number of positions surrounding the pitch mark". Therefore some features of claims 1 and 2 are described in this document. The feature of "pushing damaged turf of the pitch mark, downwardly into the green with a pushing tool so as to deepen the depression of the pitch mark" is not described in this US 4,925,190 A. Therefore the subject-matter of claims 1 and 2 is considered to be novel and to involve an inventive step. The pitch mark repair device of US 4925190 A includes a restoring tool comprising two spaced, parallel elongate tines, that can be inserted into the turf surrounding the depressed pitch mark. Therefore some features of claims 7 and 11 - 15 are described in this document.

US 6223829 B1 describes a method and a tool to repair pitch marks (dents). The tool comprises a base portion (68) and a ground penetrating portion (70) which is formed as a pair of tines (92); the tines are moved to

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International application No.  
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penetrate into the soil at a location outwardly of the raised edge of the pitch mark, and the compression surface (74) of the base member presses the sod layer downwardly and displaces the underlying ground layer laterally to fill into the recess portion of the dent. Therefore some features of claims 1,2,3,7 and 11 - 15 are described in this document.

WO 96/22131 A1 and US 2003/0032505 A1 show methods and tools for repairing pitch marks, which contain only some features of claims 1, 2, 3, 4, 7 and 11 - 15.

Claims 12 to 15 contains a reference to the description or drawings. According to Rule 6.2 PCT claims should not contain such references except where is absolutely necessary. Such is not, however, the case here.

Industrial applicability is given.

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